

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DONALD P. SPEAKMAN, STEPHEN H.
WEDEL AND MARK ROBARE,
Individually An On Behalf Of All Others
Similarly Situated,

Plaintiff

v.

ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO., AND
ALLMERICA FINANCIAL CORP.,

Defendant

Civil Action
No. 04-40077-FDS

**SUPPLEMENTAL AFFIDAVIT OF JORDAN P. GATES IN
SUPPORT OF MOTION FOR RELIEF FROM JUDGMENT**

Jordan P. Gates states under the penalties of perjury that the following facts are true,
based upon his personal knowledge:

1. I submit this Affidavit to supplement and update the statements contained in my
initial Affidavit, filed in support of my Motion For Relief From Judgment on October 10, 2006.

I incorporate by reference the defined terms contained in such initial Affidavit.

2. In my initial Affidavit, dated October 3, 2006 and filed on October 10, 2006, I
stated, under the penalties of perjury, my belief that "the amount I would receive as a member of
the class [entitled to benefits from the Settlement of the Class Action, approved by the Court on
August 11, 2006] would be in the magnitude of a few thousand dollars, perhaps in the hundreds
of dollars."


3. On October 17, 2006 I received a Notice of Approval of Settlement, a true copy
of which is attached as Exhibit A. In this Notice of Approval of Settlement, it is indicated that I

will actually receive a total of zero dollars (\$0.00) in supplemental relief as a payment in the Class Action for the settlement of any claims that I might have against the Defendants in the Class Action.

4. I understand that under the terms of the Class Action settlement, my obligations under the DAC Note that I signed are deemed discharged, and that in exchange Allmerica is no longer obligated to pay trail commissions on this block of business. The value of this DAC Note was derived from commissions that I earned in the past, which were subsequently given back to Allmerica in the form of the DAC Note. These trail commissions were valued in excess of \$30,000 when the program began. The balance of the DAC Note is approximately \$30,000. Therefore, the cessation of the DAC Note, and Allmerica's obligation to pay trial commissions result in a net benefit of zero.

5. If I am not granted relief from judgment, I will arguably be foreclosed (based on the position taken by VeraVest in the NASD Arbitration) from pursuing the claims raised in the NASD Arbitration against VeraVest, which are in the magnitude of hundreds of thousands of dollars. In exchange for me not being able to pursue my NASD Arbitration, I will receive zero net benefit from Allmerica.

**SIGNED UNDER THE PENALTIES OF PERJURY THIS 6th DAY OF
NOVEMBER 2006.**


JORDAN P. GATES

CERTIFICATE OF SERVICE

Mark W. Corner states under the penalties of perjury that the following document was served upon all counsel receiving electronic file notification in this matter on November 7, 2006, 2006.

/s/Mark W. Corner
Mark W. Corner

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